

UNITED STATES DISTRICT COURT
for the
Western District of Texas

FILED
AUG 9 2022
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY AD DEPUTY CLERK

United States of America

v.

Phillip Koester

Case No. 1:22-mj-00686-ML-1

Defendant

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at:

United States Courthouse

Place

100 South Clinton Street, Syracuse, NY 13261

on

8/24/2022 11:00 am

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

- ☒ (7) The defendant must:

- ☒ (a) submit to supervision by and report for supervision to the Pretrial Services Office, telephone number 512-916-5297, no later than as directed.

- ☒ (b) continue or actively seek employment.

- ☐ (c) continue or start an education program.

- ☒ (d) surrender any passport to: Pretrial Services

- ☒ (e) not obtain a passport or other international travel document.

- ☒ (f) abide by the following restrictions on personal association, residence, or travel: Travel restricted to Travis and Williamson County, Texas and the Northern District of New York for purposes of court related matters. Any additional travel must be approved by Pretrial Services.

- ☒ (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____

- ☐ (h) get medical or psychiatric treatment: _____

- ☐ (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

- ☐ (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

- ☒ (k) not possess a firearm, destructive device, or other weapon.

- ☒ (l) not use alcohol (☒) at all (☐) excessively.

- ☒ (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

- ☐ (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

- ☐ (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

- ☒ (p) participate in one of the following location restriction programs and comply with its requirements as directed.

- ☐ (i) **Curfew.** You are restricted to your residence every day (☐) from _____ to _____, or (☐) as directed by the pretrial services office or supervising officer; or

- ☒ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

- ☐ (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or

- ☐ (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.

Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

- ☒ (q) submit to the following location monitoring technology and comply with its requirements as directed:

ADDITIONAL CONDITIONS OF RELEASE

- ☒ (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
 - ☐ (ii) Voice Recognition; or
 - ☐ (iii) Radio Frequency; or
 - ☐ (iv) GPS.
- ☒ (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- ☒ (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- ☒ (t) The defendant is to establish verifiable residence and provide verification to Pretrial Services by August 19, 2022 by 12pm.
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- (8) The Defendant must also participate in the computer restriction/monitoring program administered by the United States Pretrial Services Office. The Defendant must abide by all rules and requirements of the program which will include:
- (a) ☐ Will not use computers or connected devices at any location.
 - (b) ☐ Will not have access to the Internet (World Wide Web, FTP Sites, IRC Servers, Instant Messaging) at any location.
 - (c) ☒ Will require the installation of monitoring software by the supervising officer on any computer or technology devices to which you have access to. Defendant will be responsible for paying for cost of monitoring services
 - (d) ☒ Will require that you permit the search of your vehicle, residence must submit to the search of your vehicle, residence (to include, buildings or structures attached to or located at the residence address) and/or computer by the supervising officer or designated U.S. Pretrial Services personnel immediately upon request. Pretrial Services may employ the use of other technology to include Wi-Fi detectors.
- (9) The Defendant must abide by the following additional conditions:
- (a) ☒ Shall not obtain, view, or possess any sexually explicit, sexually graphic, or erotic materials including images, movies, and printed materials in any form.
 - (b) ☒ Shall have no contact, either telephonically, verbally, or through written material, or through third party with the victim or any of the victims' immediate family members.
 - (c) ☒ Shall have no contact with minor children under the age of eighteen and not reside in a household where the victim(s) or minor children reside.
 - (d) ☒ Shall not visit any areas within 100 yards of any school, day care center, park, or other place where children congregate.
 - (e) ☒ May not obtain employment or participate in any volunteer activity during which there is unsupervised contact with minors under the age of eighteen.
 - (f) ☒ Shall only reside in a residence approved, in advance, by the U.S. Pretrial Services Officer. Any changes in the residence must be pre-approved by U.S. Pretrial Services.
 - (g) ☒ Shall comply with Sex Offender Registration and Notification Act (SORNA) and state and local sex offender registration requirement.
 - (h) ☒ Shall attend and participate in specialized treatment for defendants charged with or convicted of a sex offense as approved and directed by the U.S. Pretrial Officer.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

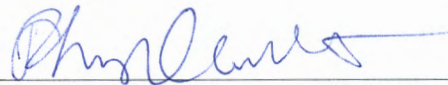
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

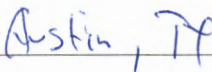
A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature



City and State

Directions to the United States Marshal

- ☒ The defendant is ORDERED released.
- ☐ The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk of judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 8/9/2022


Judicial Officer's Signature

Honorable Mark Lane, U.S. Magistrate Judge

Printed name and title